

UNITED STATES DISTRICT COURT
District of Minnesota

Jordan E. Terrell, et al

BILL OF COSTS

V.

Brek Andrew Larson, et al

Case Number: 01-CV-1360 (DSD/SRN)

Judgment having been entered in the above entitled action

8/24/05 **against**

Plaintiffs

Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk

\$ 105.00

Fees for service of summons and subpoena

Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case

179.00

Fees and disbursements for printing

Fees for witnesses (itemize on reverse side)

1,107.94

Fees for exemplification and copies of papers necessarily obtained for use in the case

Docket fees under 28 U.S.C. 1923

Costs as shown on Mandate of Court of Appeals

Compensation of court-appointed experts

Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828

Other costs (please itemize)

TOTAL \$ 1,391.94

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed.

Signature of

/s/ James T. Martin

Name of Attorney:James T. Martin

For:Defendant Brek Larson

 Date = R/75/05

Name of Claiming Party

Costs are taxed in the amount of

and included in the judgment.

Clerk of Court

By:

Deputy Clerk _____

Date _____

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
8/4/02 - Deposition - Warren Kvistberg							225.70
8/4/02 - Deposition - Shawn Longen							317.07
8/10/02 - Deposition - Brek Larson							284.07
9/26/02 - Deposition Jordan Terrell							281.10
						TOTAL	1,107.94

NOTICE**Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:**

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:**Rule 54 (d)**

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Wheneversa party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

UNITED STATES DISTRICT COURT
District of Minnesota

PROCEDURE FOR TAXING COSTS

The Clerk's Office is pleased to provide a guide entitled "Taxation of Costs in a Civil Case in the United States District Court for the District of Minnesota" for use by attorneys and legal staff. This guide will assist with the proper filing of Bill of Costs with this court and is available on the Court's website at www.mnd.uscourts.gov.

Costs shall be submitted on Form AO-133 which is provided by the Administrative Office of the United States Courts for this purpose. The form is available on our website at www.mnd.uscourts.gov and it can be requested from the Clerk's Office, United States District Court. The completed AO-133 form shall be submitted with substantiating documentation to the Minneapolis Clerk's office.

Costs generally are not taxed and the Bill of Costs should not be submitted until the following conditions are met:

1. the time for filing of the **Notice of Appeal** has expired,
2. **a decision on post-trial motions has been made**,
3. **the appeal has been decided on the merits** or dismissed, or
4. **Writ of Certiorari is denied and opinion of the Supreme Court is filed.**

Office Procedure

A briefing schedule is sent to counsel of record when the Bill of Cost is filed. An appearance before the Clerk is not required. Costs may be taxed as submitted if objections are not filed. If the matter of costs is resolved prior to taxation by the Clerk, written notification of disposition shall be submitted.

GENERAL INFORMATION

Taxation of Costs on Appeal	See FRAP, Rule 39(d) & (e). <i>NOTE: Costs granted at the Court of Appeals level are entered in the judgment rolls upon receipt of the Mandate in the District Court. DO NOT INCLUDE THESE COSTS IN THE AO-133 BILL OF COST FORM.</i>
Attorney Fees	Do not incorporate into the Bill of Costs; Refer LR54.3 and 28 U.S.C. § 2412.
Substantiating Documentation	Copies of receipts, statements, bills, checks, etc. must be submitted in support of costs and explanation of necessity for cost items claimed.
Deposition Costs	Generally allowed only when read into the record or received as evidence.
Exhibits	Large or unusual expenditures, such as models, must be approved by the court prior to trial or preparation, or they are generally not allowed. Exhibits must be identified by number if costs are claimed.
Copies	Generally not allowed unless received as an exhibit during trial (number identification). Certified or exemplified copies are generally allowed.
Costs Differentiated from Fees and Expenses	FRCP 54 and Wright & Miller, §§ 2666 and 2677.
Expert Witnesses	The Clerk is authorized to tax only the statutory witness fee of \$40 per day; subsistence if an overnight stay is required (eff. 10/01/04): Minneapolis \$156; St. Paul \$156; Duluth 6/1 to 10/31 \$135 and 11/1 to 5/31 \$111; Rochester \$107; Anoka County \$103; Dakota County \$116; Fergus Falls \$91.00, all other areas of state \$91.00. Mileage is reimbursed at \$0.405 per mile round trip travel (eff. 01/01/04). See 28 U.S.C. § 1821. Questions should be directed to the appropriate division (see below for numbers).
Air Travel	28 U.S.C. § 1821(c)(1): utilize common carrier at the most economical rate available. Receipt(s) must be furnished.

Reference: FRCP Rule 54(d); 28 U.S.C. §§ 1920, 1923, and 192 Federal Practice and Procedure, Wright & Miller Vol X.

For Information on taxation of costs, contact: Brian Saame, Pro Se Law Clerk, Minneapolis/St. Paul Divisions, 612-664-5035
 Susan Anderson, Duluth Division Manager, 5t^h & 6t^h Divisions, 218-529-3502

GISLASON, MARTIN & VARPNESS, P.A.

ATTORNEYS AND COUNSELORS AT LAW

JAMES T. MARTIN
JOHN E. VARPNESS
JULIAN C. JANES
JOEL M. MUSCOPLO/T

*ALSO ADMITTED TO MINN.
IN WISCONSIN

RETIRED
ROBERT W. GISLASON

7600 PARKLAWN AVENUE SOUTH
SUITE 444
MINNEAPOLIS, MINNESOTA 55435
TELEPHONE 952/831-5793
FAX 952/831-7358

LEGAL ASSISTANT
GLORIA DEEB

January 21, 2003

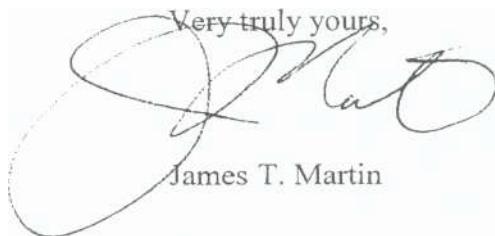
Clerk of U.S. District Court
U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

RE: *Terrell, et al v. Larson and Longen*
File No: 0:01-CV-1360 (DSD/JMM)

Dear Clerk::

Enclosed for filing please find the original and two copies of the following:

- (1) Notice of Appeal;
- (2) Appellants' Form A;
- (3) Filing fee in the amount of \$105.00;
- (4) A copy of our written request for a transcript of the proceedings pursuant to FRAP 10(b)(1)(A)(iii).

Very truly yours,

James T. Martin

JTM/aa
Enc.
cc: Pau- Applebaum

MARLENE P. HALLOWAY
 COURT REPORTER
 POST OFFICE BOX 8402
MINNEAPOLIS, MINNESOTA 55408
 PHONE (612) 823-0729 FAX (612) 823-6186
mareene@mm.com

Invoice

DATE	INVOICE #
2/28/03	398

BILL TO

James T. Martin, Esq.
 Gislason, Martin & Varpness, P.A.
 7600 Parklawn Avenue South
 Suite 444
 Minneapolis, Minnesota 55435

DUE DATE

3/30/03

DESCRIPTION	AMOUNT
James E. Terrell, et al. vs. Brek Andrew Larson, et al.	92.00
Transcript of proceedings held on April 19, 2001 in the above-entitled matter	
One transcript	

Please make check payable to:
 Marlene P. Halloway SSN [REDACTED]

Total

92.00 ",

44 (Rev. 7/95)	UNITED STATES DISTRICT COURT										
	For the	Fourth	District of	Minnesota							
INVOICE				NUMBER 030403A							
TO: James T. Martin Gislason, Martin & Varpness, P.A. 7600 Parklawn Ave. So., Suite 444 Minneapolis, MN 55435				NOTE MAKE CHECK PAYABLE TO: Karen J. Grufman Official Court Reporter 1005 U.S. Courthouse Minneapolis, MN 55415 PHONE: 612-664-5105 SS# [REDACTED]							
TRANSCRIPTS											
CRIMINAL <input checked="" type="checkbox"/> CIVIL		DATE ORDERED 1/21/03			DATE DELIVERED 3/4/03						
IN THE MATTER OF (CASE NUMBER AND TITLE) Terrell, et al v. Larson and Longen, Cv. 01-1360 DSD.											
CHARGES											
CATEGORY	ORIGINAL			1ST COPY			ADDITIONAL COPIES			TOTAL CHARGES	
	PAGES	PRICE @	SUB TOTAL	PAGES	PRICE @	SUB TOTAL	PAGES	PRICE @	SUB TOTAL		
Ordinary	29	3.00	87.00								\$87.00
Expedited											
Daily											
Hourly											
For proceedings on (Date): Hearing on 12/20/02, before the						TOTAL			\$87.00		
Honorable David S. Doty.						LESS DISCOUNT FOR LATE DELIVERY					
						LESS AMOUNT OF DEPOSIT					
						TOTAL REFUNDED					
						TOTAL REVENUE			\$87.00 N		
ADDITIONAL INFORMATION											
Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within (7) calendar days, payment would be at the ordinary delivery rate.											
CERTIFICATION											
I certify that the transcript fees charged and page format used			comply with the requirements of this court and the Judicial Conference of the United States.								
SIGNATURE OF OFFICIAL COURT REPORTER						DATE			3/4/03		

(All previous editions of this form are
canceled and should be destroyed.)



Butler Square Reporting

11708 Wayzata Boulevard
Minnetonka, Minnesota 55305

FAX (952) 746-6292 ☎ (952) 746-6290

INVOICE

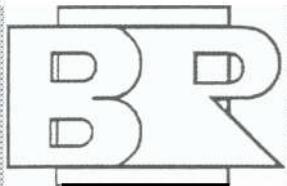
1390

Date: 9/16/2002

James T. Martin, Esq.
Gislason, Martin & Varpness, P.A.
Suite 444
7600 Parklawn Avenue South
Minneapolis, MN 55435

PLEASE MAKE CHECKS PAYABLE TO Jennie L E gh'
471 5' 7619

Descript	Amount'
0-& o Warren Kvistberg	\$22570
Copy o Shawn Longen	3 707
Brek' Larso E Al, Plaint ff's, Vs.	
James Terrell, Et Al, Defendants	
e Taken On Augus 4, 2002	
Terms: Payment Due Upon Receipt,	Subtotal \$542.77'
	Service Charge 0. 0
	Bal. D e \$542.77

***Butler Square Reporting***11708 Wayzata Boulevard
Minnetonka, Minnesota 55305

EAX 10501 742 6200 FAX 10501 742 6200

INVOICE

1396

Date: 9/26/2002

James T. Martin, Esq.
 Gislason, Martin & Varpness, P.A.
 Suite 444
 7600 Parklawn Avenue South
 Minneapolis, MN 55435

PLEASE MAKE CHECKS PAYABLE TO: Jennie L. Eng h
 471-1'5-7619

Descript on	Amount
py of Brek'Larson	\$284.07
ek Larso E Al, Plaintiffs,	
Vs.	
James Terrell, E A Defendants'	
Date Taken On Augus 0 2002	
<u>Terms: Payment Due Upon Receipt</u>	<u>Subtotal</u> \$284.07
	Service Charge 0. 0
	<u>Bal. Due</u> \$284.07

KINSELLA HARTIGAN & ;ELZER, INC.
 632 WELLS FARGO MIDLAND BUILDING
 401 SECOND AVENUE SOUTH
 MINNEAPOLIS MN 55401

GISLASON MARTIN & VARPNESS
 7600 PARKLAWN AVENUE SOUTH
 SUITE 444
 MINNEAPOLIS, MN 55435

JAMES T. MARTIN, ESQ

INVOICE NO.: 23640
 INVOICE DATE: 10111/2002
 REPORTER:

PEGGY STEWART [REDACTED]

ID#: (612) 339-6132

TERRELL, ET AL vs LARSON, ET AL

DEPOSITION OF JORDAN E. TERRELL

Date	Description	Amount
9/26/2002	Original & one transcript copy	
	Appearance	
	Condensed Transcript	
	Postage/Delivery	
	THANK YOU!	
		281.10
	Total Amount Due	281.10

Please make check payable to the reporter and indicate invoice #.